

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
South San Antonio Independent School District)	File No. SLD-161124
San Antonio, Texas)	
)	
Federal-State Joint Board on)	CC Docket No. 96-45
Universal Service)	
)	
Changes to the Board of Directors of the)	CC Docket No. 97-21
National Exchange Carrier Association, Inc.)	

ORDER

Adopted: January 17, 2002**Released: January 18, 2002**

By the Accounting Policy Division, Common Carrier Bureau:

1. Before the Accounting Policy Division (Division) is a Request for Review filed by South San Antonio Independent School District (South San Antonio), San Antonio, Texas.¹ South San Antonio seeks review of a decision issued by the Universal Service Administrative Company's Schools and Libraries Division (SLD) dismissing South San Antonio's appeal of SLD's funding decisions as untimely.² For the reasons discussed, we deny the Request for Review and affirm SLD's decision.

2. On April 14, 2000, SLD issued a Funding Commitment Decision Letter (FCDL) on South San Antonio's Funding Year 3 application for discounts.³ As relevant here, the FCDL granted Funding Request Number (FRN) 364668, awarding a pre-discount amount of \$9,000 for internal connections from Southwestern Bell Telephone Company to Career Education Center School.⁴ It also granted FRN 364705, which requested internal connections from Southwestern

¹ Letter from Dr. Frank Harmier, South San Antonio Independent School District, to Federal Communications Commission, filed September 14, 2000 (Request for Review).

² Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

³ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Dr. Frank Harmier, South San Antonio Independent School District, dated April 14, 2000 (FCDL).

⁴ FCDL, at 11.

Bell Telephone Company to Dwight Middle School, but, after reviewing a copy of the service contract, SLD reduced the \$9,000 pre-discount amount requested to \$6,869.05.⁵ On August 17, 2000, South San Antonio filed a Letter of Appeal with SLD, asserting that SLD had incorrectly reduced the amount requested in FRN 364705 instead of the amount requested in FRN 364668, with the result that the amount awarded to Career Education Center School should have been awarded to Dwight Middle School, and vice versa.⁶ It requested that SLD switch the amounts funded and otherwise leave all other FRN information the same.⁷

3. SLD treated South San Antonio's August 17, 2000 pleading as an appeal from the FCDL. On August 18, 2000, SLD issued a decision, noting that South San Antonio's appeal had been filed more than 30 days after the issuance of the FCDL, and dismissing it as untimely pursuant to the Commission's rules.⁸ South San Antonio then filed the pending Request for Review, which again discusses the alleged error in the amounts and requests that the amounts be switched.⁹ It does not address the issue of timeliness.

4. The Common Carrier Bureau (Bureau) has held that certain site identifier correction requests are not subject to the appeals period established in Commission regulations.¹⁰ In that same Order, however, the Bureau emphasized that it was not exempting all data correction requests in general from the appeals deadline.¹¹ Here, we find that South San Antonio is not entitled to exemption from the appeals deadline because what it seeks is not a site identifier correction but an increase in the amount awarded in one of its FRNs. South San Antonio concedes that the sites specified in the FRNs are correct, and that it is seeking a correction of the award amount.¹² A request to increase the amount awarded in the Funding Commitment Decision Letter is clearly an appeal from that decision and is therefore subject to the appeals period. We further find that to treat South San Antonio's appeal as a site identifier correction request (a request to alter the site identifiers rather than the funding amounts) would create an error rather than correcting one, because changing the site identifier on the FRNs would match each site identifier with the wrong contract number, service description Attachment, and Billing Account number. We therefore find that the Letter of Appeal submitted to SLD by South

⁵ *Id.*

⁶ Letter from Dr. Frank Harmier, South San Antonio Independent School District, to Schools and Libraries Division, Universal Service Administrative Company, filed August 17, 2000, at 1 (Appeal to SLD).

⁷ *Id.* at 1.

⁸ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Dr. Frank Harmier, South San Antonio Independent School District, dated August 18, 2000, at 1.

⁹ Request for Review, at 1.

¹⁰ See *Request for Review by Fort Worth Independent School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-203703, CC Dockets No. 96-45 and 97-21, Order, DA 02-90 (Com. Car. Bur. rel. January 14, 2002).

¹¹ *Id.* at para. 7.

¹² Request for Review, at 1.

San Antonio on August 17, 2000 was subject to the appeals period established in section 54 of the Commission regulations.¹³

5. Under section 54.720 of the Commission's rules, an appeal must be filed with the Commission or SLD within 30 days of the issuance of the decision that the party seeks to have reviewed.¹⁴ Documents are considered to be filed with the Commission or SLD only upon receipt.¹⁵ The 30-day deadline contained in section 54.720 of the Commission's rules applies to all requests for review filed by a party affected by a decision issued by the Administrator. Because South San Antonio failed to file an appeal of the April 14, 2000 FCDL until August 17, 2000, we affirm SLD's decision to dismiss South San Antonio's appeal to SLD as untimely and deny the instant Request for Review.¹⁶

6. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed September 14, 2000, by South San Antonio Independent School District, San Antonio, Texas, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert
Deputy Chief, Accounting Policy Division
Common Carrier Bureau

¹³ 47 C.F.R. § 54.720.

¹⁴ *Id.*

¹⁵ 47 C.F.R. § 1.7.

¹⁶ We emphasize that we are not holding that applicants in similar factual situations may or may not obtain relief from errors of the sort alleged here. We hold only that they must appeal such funding errors within the period provided in the Commission's rules for filing Requests for Review.